

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Jackson Mahaffy; Flora Mahaffy;  
Daniel Nelson; and Paul Von Arx,  
Plaintiffs,

vs.

Robert J. Kroll; Wallace M.  
Krueger, Christopher J. Bennett;  
Aaron C. Hanson; Christopher  
Bishop; David Campbell; Toddrick  
Kurth; Brandon Kitzerow; James  
Rugel; Clark Goset; and Mark  
Durand, all acting in their  
individual capacity as  
Minneapolis Police Officers;  
and the City of Minneapolis,

Defendants.

**COPY**

Case File No. 08-cv-4992  
JMR/SRN

Deposition of

AARON C. HANSON

September 22, 2009  
9:50 a.m.

Linda J. Trondson, RPR, MR  
Ask, Trondson & Smith Court Reporters  
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**EXHIBIT**

tabbed

M

1           Deposition of Aaron C. Hanson taken on the 22nd day  
2           of September, 2009 commencing at approximately 9:50 a.m.  
3           at the Office of the Minneapolis City Attorney, 300  
4           Metropolitan Centre, 333 South Seventh Street,  
5           Minneapolis, Minnesota, 55402, before Linda J. Trondson,  
6           Notary Public, County of Hennepin, State of Minnesota, to  
7           be used in the above-entitled matter.

5           APPEARANCES:

6           JAMES W. DELAPLAIN, Attorney at Law,  
7           2140 Fourth Avenue North, Anoka, Minnesota, 55303,  
8           and,

9           DANIEL J. BRAZIL, Attorney at Law,  
10          2124 Dupont Avenue South, Minneapolis, Minnesota,  
11          55405, appeared on behalf of the Plaintiffs.

12          C. LYNNE FUNDINGSLAND and DARLA BOGGS,  
13          Assistant City Attorneys, Office of the Minneapolis  
14          City Attorney, Suite 300, 333 South Seventh Street,  
15          300 Metropolitan Centre, Minneapolis, Minnesota,  
16          55402, appeared on behalf of the City of Minneapolis.

13           EXHIBITS MARKED

- 14          1 Supplemental Number 1 - Statement of Aaron Hanson....17  
15          2 Statement of Office Aaron Hanson - 11/12/04.....45  
16          3 Case Report with Supplements.....68  
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1                   AARON C. HANSON,

2 being first duly sworn, testified as follows:

3                   EXAMINATION

4 BY MR. DELAPLAIN:

5 Q Good morning, Officer Hanson. My name is Jim  
6 Delaplain. I represent the plaintiffs in regard to a  
7 lawsuit against the City of Minneapolis in which  
8 you're named a defendant. The plaintiffs are Jackson  
9 Mahaffy, Flora Mahaffy, Daniel Nelson and Paul  
10 Von Arx. Have you had your deposition taken before?

11 A One other time.

12 Q One other time. Was that in a civil case?

13 A Yes.

14 Q And what was the nature of that civil case?

15 A It was a lawsuit against the City, and his name was  
16 Derrick Trotter. That happened about ten years ago  
17 maybe.

18 Q Was that an unreasonable use of force case?

19 A Unreasonable? No. It was a force case, yes, but it  
20 was -- I guess I arrested the wrong person, even  
21 though that's still questionable.

22 Q Were you a named defendant in that suit?

23 A Yes.

24 Q And what was the outcome of that litigation, if you  
25 know?

1 A They did a settlement, so it never went to any type  
2 of Court case or anything like that.

3 Q Now, in that case was there any other officers that  
4 were named as --

5 A Yep.

6 Q -- defendants?

7 A Yes, Phil Gangnon.

8 MS. FUNDINGSLAND: You've got to wait  
9 until he finishes his question before you start to  
10 answer.

11 THE WITNESS: Okay.

12 MS. FUNDINGSLAND: Take your time.

13 Q Any other officers?

14 A No.

15 Q So you're familiar with depositions, but I'll go over  
16 the rules again quickly. As Ms. Fundingsland pointed  
17 out, for the court reporter's benefit I'd ask that  
18 you wait for me to finish my question before you  
19 begin to answer, and I'll wait until you finish your  
20 answer before I start asking my question, and that  
21 way the court reporter can write down what we're both  
22 saying. Is that agreeable?

23 A Yes.

24 Q And if I ask a question and you don't really  
25 understand what I'm asking or if it's confusing, if

1           you can point that out to me and I'll try to ask it  
2           in a different way or reask the question. Is that  
3           agreeable?

4       A    Yes.

5       Q    Okay. Officer Hanson, how long have you worked for  
6           the Minneapolis Police Department?

7       A    Twelve and a half years.

8       Q    And can you just real quickly run through for me what  
9           your assignments have been in that twelve and a half  
10          years.

11      A    I've been in Patrol the whole time. I've worked in  
12          the 1st Precinct and the 2nd Precinct Patrol in a  
13          police car.

14      Q    And how long have you been in the 2nd Precinct?

15      A    I'm back in the 1st Precinct now, but I was in the  
16          1st Precinct, 2nd, and now I'm back in the 1st  
17          Precinct, and I've been there three years.

18      Q    So in approximately 2006 you went to the 1st  
19          Precinct?

20      A    Yes.

21      Q    And how long had you been in the 2nd Precinct before  
22          2006?

23      A    Five years.

24      Q    And prior to the night in question, which is May  
25          14th, 2004 -- I'm sorry, March 14th, 2004, were you

1                   familiar with Sgt. Robert Kroll?

2       A   Yes.

3       Q   And how did you know Sgt. Kroll?

4       A   I knew him because he's on our Police Federation.

5                   MS. FUNDINGSLAND: I'm sorry, can we back  
6                   up just a second? I think first you said May 14th  
7                   and then you said March.

8                   MR. DELAPLAIN: Yes.

9                   MS. FUNDINGSLAND: But I think it is May,  
10                  just so we're clear for the record here. I think you  
11                  were right the first time.

12                  MR. DELAPLAIN: I did the first one from  
13                  memory and the second one what I had written down.

14                  MS. FUNDINGSLAND: Yes, it just struck  
15                  me, and I thought we better clear that up. Yes, it's  
16                  May.

17                  MR. DELAPLAIN: May, okay.

18                  MS. FUNDINGSLAND: Okay.

19       Q   So you knew Sgt. Kroll because of his work with the  
20                  Federation?

21       A   Yes.

22       Q   Have you had meetings with him while he's in his role  
23                  for the Federation?

24       A   Large group meetings only.

25       Q   He wasn't involved in the Trotter case at all?

1 A No.

2 Q Wasn't he in the 2nd Precinct at that time, a  
3 Sergeant?

4 A I don't know.

5 Q Okay. But you knew him at the time, on May 14th you  
6 had known him by sight?

7 A Yes.

8 Q On May 14th, 2004. And I think in one of your  
9 reports you described him as being high up in the  
10 department.

11 A Yes.

12 Q And if you view him as high up in the department, is  
13 that both because of his role in the Federation or  
14 also because of his rank?

15 A Rank.

16 Q So at that time you were aware of his rank?

17 A Yes.

18 Q Other than the meetings that you may have attended  
19 where he was at in regard to the Federation, were  
20 there any other social interactions you had with  
21 Robert Kroll prior to that?

22 A No.

23 Q And then how about any other additional police events  
24 other than Federation events?

25 A No. I never worked for him so I never ran into him

1                   that much.

2   Q   And then how about the same questions for  
3                   Sgt. Wallace Krueger. Would you have known him by  
4                   sight in May of 2004?

5   A   No.

6   Q   And how about his name, would you have been familiar  
7                   with his name as being a Sergeant in the 2nd Precinct  
8                   in May of 2004?

9   A   The name only.

10   Q   Let me go back a step. Prior to working for the  
11                  Minneapolis Police Department, how were you employed?

12   A   I worked as a Community Service Officer for the City  
13                  of Minneapolis before I became a police officer.

14   Q   If I'm not mistaken, I noticed from some of the  
15                  records I was provided that you originated up on the  
16                  Iron Range. Is that true?

17   A   I went to college up there, but I grew up in  
18                  Burnsville.

19   Q   And where did you go to college?

20   A   Hibbing.

21   Q   And did you obtain a degree there?

22   A   Yes.

23   Q   And what was that degree in?

24   A   It's called an Associate's in Applied Science.

25   Q   And did you undertake any additional schooling after

1                   that degree?

2   A   I went briefly to Northwestern College in Roseville.

3   Q   And what were you studying there?

4   A   It was called Christian Counseling, Marriage and  
5                   Family Counseling.

6   Q   And did you obtain any certificates or degrees from  
7                   that schooling?

8   A   No. I got married, and then I stopped going. And  
9                   divorced, so I didn't think family and marriage  
10                  counseling probably would be a good job for me.

11   Q   How about any schooling after that?

12   A   No.

13   Q   Now, as you sit here today, do you recall the events  
14                  of May 14th, 2004?

15   A   I do.

16   Q   And prior to your deposition today, did you review  
17                  any documents to prepare?

18   A   Yes, I did.

19   Q   What documents did you review?

20   A   I reviewed my report, and then I reviewed a copy of  
21                  the Civilian Review Authority report.

22   Q   And when you reviewed the copy of the Civilian Review  
23                  Authority report, did you review all of the  
24                  statements that were associated with the Civilian  
25                  Review report?

1 A I just looked at my own statement.

2 Q So in preparation for today, you haven't looked at  
3 any other of the officers' statements?

4 A No.

5 Q Have you talked to any of the other officers in the  
6 past couple months about your pending deposition?

7 A No.

8 Q Are you still in contact with Officer Bennett?

9 A Periodically.

10 Q Is he still in the 2nd Precinct?

11 A No, he's in the 3rd Precinct now. It's never come  
12 up, the conversation about this lawsuit, since 2004.

13 Q All right. So as you sit here today, can you tell me  
14 what you remember from the start, from when you first  
15 got the call on that evening in 2004.

16 A I was working patrol car with Officer Bennett, and we  
17 were on routine patrol, you know, driving around  
18 looking for suspicious activity, and we were in the  
19 area of Broadway Street Northeast and University  
20 Street Northeast, and a call for a fight in progress  
21 was aired by the dispatch.

22 At that time we did not have GPS so the  
23 dispatch didn't know we were that close, so we  
24 answered up and began to head that way. While  
25 en route, a tone was put over our police radio which

1 meant that an officer is in trouble, and the dispatch  
2 stated at that point that there was officers being  
3 assaulted at the initial address on Marshall Street  
4 Northeast.

5 Q Then what do you remember next?

6 A I remember pulling up to the address and seeing a  
7 group of people outside, and at that time I remember  
8 seeing Lt. Kroll in the middle of the street running  
9 backwards, fighting off people, three to four people,  
10 attempting to attack him.

11 Q And then what happened next?

12 A I exited the car and began to run towards the group  
13 of people in an attempt to stop the assault that was  
14 going on.

15 Q Okay. What did you do to try to stop the assault?

16 A At that time I ran after the group and I tackled one  
17 of the individuals that was assaulting Lt. Kroll.

18 Q Is that the individual that was ultimately placed  
19 under arrest?

20 A No.

21 Q What happened after you tackled the individual?

22 A She got up, and I didn't place her under arrest. I  
23 believe she went back into the group of people back  
24 on the sidewalk, and I never saw her again.

25 Q And then what happened next?

1 A At that time there was still a large group of people  
2 in the street and Sgt. Kroll was still having people  
3 getting close to him. He was talking to the group,  
4 they were yelling, and at that point it was complete  
5 chaos.

6 Q Okay. And then what happened next?

7 A At that time I observed a male quickly walking up to  
8 Kroll as he was looking the other way talking to this  
9 group of people, and I tackled him.

10 Q And that male, is that the man who was eventually  
11 arrested?

12 A Yes, McAfee.

13 Q Mahaffy?

14 A Mahaffy.

15 Q And after you tackled Jackson Mahaffy, what happened  
16 next?

17 A I brought him to the ground, I got on top of him, and  
18 with the assistance of Officer Bennett we handcuffed  
19 him.

20 Q And then what?

21 A We eventually picked him up and walked him back to  
22 our police car.

23 Q And from your recollection, after you walked  
24 Mr. Mahaffy back to the police car was there still  
25 any altercations going on between Sgt. Kroll or

1                   Sgt. Krueger and anyone else?

2                   A I don't know. It was still chaos at that point,  
3                   people were yelling and there was still a lot of  
4                   activity going on, but at that point I couldn't see  
5                   because I was focused on Mahaffy.

6                   Q And I understand that eventually you went with  
7                   Sgt. Kroll and Sgt. Krueger and Officer Bennett over  
8                   to a parking lot nearby at the Grain Belt Brewery.

9                   A Yes.

10                  Q Do you recall that?

11                  A Yes.

12                  Q Now, between what you described when you brought  
13                  Mr. Mahaffy to the squad car after you handcuffed  
14                  him, from that point forward did you see anybody  
15                  striking either Sgt. Kroll or Sgt. Krueger?

16                  A No.

17                  Q And did you see Sgt. Kroll or Sgt. Krueger striking  
18                  anybody?

19                  A No.

20                  Q So tell me what happened in that time between when  
21                  you brought Jackson Mahaffy to the squad car and then  
22                  when you left to go over to the Grain Belt Brewery  
23                  parking lot.

24                  A We left Mahaffy in the squad car, and at that time we  
25                  began to do crowd control in front of Dusty's Bar.

1 Q And what did that consist of?  
2 A Standing in the street, facing the large group and  
3 attempting to get the situation under control.

4 Q And during that time where was Sgt. Kroll?

5 A I don't know.

6 Q How about Sgt. Krueger?

7 A I don't know.

8 Q Now, eventually was it your squad that Sgt. Kroll got  
9 into to go over to the Grain Belt Brewery or was that  
10 someone else's squad?

11 A It wasn't ours.

12 Q Do you recall when Sgt. Kroll got into the squad to  
13 go over to the Grain Belt Brewery?

14 A No.

15 Q Do you recall going over to the Grain Belt Brewery  
16 parking lot?

17 A Yes.

18 Q Now, in between when you brought Jackson Mahaffy to  
19 the squad car and when you left to go over to the  
20 Grain Belt Brewery, was there any time in that  
21 stretch where you know where Sgt. Kroll was?

22 MS. FUNDINGSLAND: I'm sorry, can you  
23 repeat that question?

24 (The requested portion was read)

25 THE WITNESS: I have no idea.

1 Q And is the same true of Sgt. Krueger, did you have  
2 any idea where he was in that intervening period?

3 A Like I said in the Civilian Review, I didn't know it  
4 was Sgt. Krueger until we got over to the Grain Belt  
5 Brewery, due to his weight loss, extreme weight loss.

6 Q And I did read that in your report. As I understand  
7 it, when you first saw Sgt. Krueger he had had a  
8 great weight loss and so you didn't even recognize  
9 him. Is that true?

10 A Correct.

11 Q But at some point prior you would have recognized him  
12 before his weight loss?

13 A Probably.

14 Q Now, even though you didn't recognize him, as you  
15 were on the scene did you realize that there was  
16 another officer involved other than Sgt. Kroll?

17 A At that point I thought it was only Sgt. Kroll.

18 Q And at what point did you become aware that there was  
19 an un-uniformed officer other than Kroll that was  
20 involved?

21 A Behind the Grain Belt Brewery.

22 Q Okay. What do you remember about what happened  
23 behind the Grain Belt Brewery?

24 A We, the paramedics, Kroll and Krueger met behind the  
25 Grain Belt Brewery to get out of the volatile

1 situation, and we had the paramedics take a look at I  
2 believe Kroll and Krueger and eventually Mahaffy.

3 Q Why did you have the paramedics take a look at  
4 Mahaffy?

5 A He vomited.

6 Q Do you recall any other physical injuries on  
7 Mr. Mahaffy?

8 A No.

9 Q I understand from your report that when you were at  
10 the Grain Belt Brewery parking lot -- let me go back.  
11 When you were in the Grain Belt Brewery parking lot,  
12 did you have any conversation with Sgt. Kroll?

13 A Yes.

14 Q And what did that conversation consist of?

15 A We were getting a better understanding of how the  
16 incident occurred.

17 Q And as you sit here today, can you recall what  
18 Sgt. Kroll said to you about the incident that night?

19 A Not really. Just that there was a dispute over -- a  
20 dispute with a male that was inside the roadway.

21 Q And is that all you remember about your conversation  
22 with Sgt. Kroll in the parking lot at the Grain Belt  
23 Brewery?

24 A About the incident?

25 Q Yes.

1 A Yes.

2 Q Do you recall any other conversation you had with him  
3 in the Grain Belt Brewery parking lot about anything  
4 else?

5 A No.

6 Q How about Krueger, do you recall talking to Krueger  
7 about the incident?

8 A No, I didn't talk to him the whole night.

9 Q I understand that Sgt. Krueger's wife was also  
10 present. Did you have any conversation with her that  
11 night?

12 A I never saw her.

13 Q Now, at that time did you talk to Mr. Mahaffy and ask  
14 him what happened?

15 A No. Like I put in the report, at that point he was  
16 very apologetic and he was very calm with us. We  
17 didn't have any incident with him throughout the time  
18 from the Grain Belt Brewery -- or from the front of  
19 Dusty's to the Grain Belt Brewery all the way to the  
20 jail. It was a quiet ride down to the jail.

21 Q I noticed in your report that you referred to  
22 Mr. Mahaffy as being very decent or pretty decent to  
23 you and your partner. Is that --

24 A To us, yes.

25 (Hanson Deposition Exhibit 1

marked for identification)

Q Now, I want to go back and show you what's been marked as Exhibit No. 1, and I'd like to ask you to identify this document, if you could.

A That is my supplement to the incident.

Q And is this one of the documents you looked over in preparation for your deposition today?

A Yes, last night.

Q And I see on the top there it has an indication of 5-15-04 at 0025 hours. So is that the time at which this original report would have been prepared?

A Yes.

Q So May 15th at 12:25 a.m.?

A Yes.

Q So it would have been within a couple hours of when the incident occurred?

A Yes.

Q And so is it fair for me or others to assume that what you put down in this report is an accurate rendition of what happened that night?

A Yes.

Q And I'm going to run through this report, some areas of this supplemental report, and also I have what you just told us about your recollection of what happened, and I just want to touch on some of the

1 areas and delve into them a bit further.

2 Now, in your report it says that dispatch  
3 stated that there were off-duty officers on the scene  
4 being attacked by a group of people and holding one  
5 down to the ground.

6 Now, I've seen that some of the other  
7 supplementals say that there was a dispatch that  
8 there was one in custody. Can you recall from  
9 looking at your report exactly what it was that  
10 dispatch communicated?

11 A I believe that's what they said, what I put in there.

12 Q Now, do you interpret when it says attacked by a  
13 group of people and holding one down to the ground  
14 that they're holding one of the officers that are  
15 being attacked down to the ground?

16 A I think at that point I thought that was what was  
17 happening.

18 Q So I imagine if you're driving to the scene and you  
19 hear over the radio that there's a group of people  
20 attacking off-duty officers and holding one to the  
21 ground, that that creates kind of an adrenaline rush.  
22 Is that true?

23 A I think we were worried, yes.

24 Q How often do you get these -- is this what is  
25 referred to as a help call?

1 A Yes.

2 Q How often do you get help calls?

3 A Once a week.

4 Q And are those usually similar in nature to this,  
5 where there's an actual physical fight going on?

6 A It's usually with uniformed officers. I don't  
7 remember many with off-duty officers.

8 Q Now, in your report, in the supplemental you say,  
9 "Upon arrival, my partner," and that's Officer  
10 Bennett, is that right?

11 A Yes.

12 Q "exited the squad car and observed a large fight in  
13 front of the bar." Now, were you the passenger in  
14 the squad that night or were you driving?

15 A Passenger.

16 Q And you immediately observed Sgt. Kroll with people  
17 running at him as he was attempting to push people  
18 away. Now today you say you remember him in the  
19 middle of the street running backwards, fighting  
20 people that were attempting to attack him. So can  
21 you tell me exactly what you remember about what  
22 people were doing and why you characterized it as  
23 people attacking him.

24 A He was backing up, running backwards, with people,  
25 and I think he was pushing people away, waving his

1 arms around.

2 Q Did you observe him punching anybody?

3 A No.

4 Q Did you observe anybody punching him?

5 A No.

6 Q So why do you characterize it as attempting to attack  
7 him?

8 A Well, they were running after him aggressively in the  
9 middle of the street, a group of people after one  
10 person.

11 Q Okay. How many people were in the group?

12 A Like I said, I think it was three to four.

13 Q Now, I know when you talked with the Civilian Review  
14 they had a map marked up with the location of  
15 vehicles and such. Do you recall that?

16 A No.

17 Q I'll put in front of you what I'll represent is a  
18 printout from the city or county map department.  
19 It's a representation of that area. By looking at  
20 that can you orient yourself and understand what  
21 you're looking at?

22 A Yes.

23 Q So I think 1319 is Dusty's Bar and 1317 is the Old  
24 Science Renovation Factory. Is that how you  
25 recognize that?

1 A Yes.

2 Q And are you able to remember when your squad pulled  
3 up what its approximate location was in relation to  
4 Dusty's or the Old Science Renovation Factory?

5 A Right about there (indicating).

6 Q Okay. Can you put an X there.

7 A (Indicating). I might have to move it up a little  
8 bit. I still think -- I always think that's Dusty's.  
9 A little bit more (indicating).

10 Q Okay. So you marked a new X and then scribbled out  
11 the old X. And it looks like the current X is right  
12 in front of and maybe just a shade to the south of  
13 the center of the Old Science Renovation.

14 A Yes.

15 Q Can you indicate to me with -- let's use a K maybe,  
16 where it was you saw Sgt. Kroll backing into the  
17 street with people chasing him.

18 A (Indicating).

19 Q Okay. And the K that you put down is in the west  
20 lane of Marshall Street Northeast, right?

21 A Yes.

22 Q And so that's on the far lane from where Dusty's and  
23 the Old Science Renovation Factory is, right?

24 A Yes.

25 Q And where you marked down the K, is that the extent

1 of how far he backed up or is that the --

2 A I would have to say he backed up five to ten feet  
3 from when we arrived until when I finally got to him.

4 Q And by the time you got to him, I think you put in  
5 your report that he was fending people off. By the  
6 time you got to him, had he fended people off?

7 A He was still in the process of doing that.

8 Q Okay. So when you arrived, your observation was that  
9 he was running backwards with six people maybe, some  
10 number of people in a group coming at him, and he was  
11 pushing them away and moving backwards into the  
12 westbound lane of Marshall Street Northeast?

13 A Yes.

14 Q Approximately in front of Dusty's Bar?

15 A Yes.

16 Q And when you tackled the first person, the female,  
17 was that one of those individuals that you saw were  
18 rushing at him?

19 A Yes.

20 Q Now, in your supplemental report you say, "I quickly  
21 grabbed her and threw her on the ground," and then I  
22 noticed in your Civilian Review report you initially  
23 said that you pushed her and she fell to the ground.  
24 And then the interviewer asked you about the  
25 supplemental report, and you said, "Yeah, that's

1           accurate, I grabbed her and threw her on the ground."  
2           But it was clear from that statement that you also  
3           ended up on the ground. So can you tell me exactly  
4           what you remember about how you and she got on the  
5           ground at that point, how that happened?

6       A    I think it would be best to summarize it as tackled.  
7           I tackled her to the ground, and at that time we both  
8           fell to the ground.

9       Q    And where was that in relation to where Sgt. Kroll  
10           was standing?

11      A    I believe she was just south of Sgt. Kroll, running  
12           after him. She was one of the people running after  
13           him.

14      Q    Now, it's not in the supplemental report, but if I  
15           remember correctly, in the Civilian Review report did  
16           you say that Kroll was faced the opposite direction  
17           so she was coming at him from behind?

18      A    No, that was actually Mahaffy.

19      Q    Okay. So when you tackled the woman, Kroll was  
20           actually facing her?

21      A    Yes.

22      Q    And was that one of the people that he was pushing  
23           away or was she approaching him and you managed to  
24           tackle her before she came in contact with him, or  
25           what?

1 A She was one of the people that he was trying to fend  
2 off and was running at him.

3 Q Did you see him make any physical contact with her?

4 A No. I believe he was just trying to keep his  
5 distance from the group.

6 Q So when you say fend off, are you saying that he was  
7 physically pushing these people back from himself or  
8 he was just telling them to stay at bay and not come  
9 into contact with him?

10 A From what I remember, he was backing up quickly and  
11 holding his arms straight forward, blocking like he  
12 was an offensive lineman blocking the defensive  
13 linemen. More of like a pass block.

14 Q All right. I can appreciate that. I coach some  
15 football and watch a lot of football, so I know what  
16 you're talking about.

17 A That's exactly how it looked when I arrived.

18 Q Okay. And while he was doing his pass blocking, did  
19 he actually have contact with the individuals or was  
20 he just holding his hands out with the individuals  
21 not actually touching his hands?

22 A I think they were getting close to possibly touching.  
23 He wasn't pushing them, he was more like attempting  
24 to keep his distance. He had his arms out straight  
25 and he was keeping his distance from the group.

1 Q But as far as you recall, at that time he wasn't  
2 physically pushing people back away from him?

3 A It didn't look like that, no.

4 Q Now, in your supplemental, after this sentence where  
5 you say, "I quickly grabbed her and threw her on the  
6 ground," referring to the first woman or girl, you  
7 say, "At this point other officers arrived and we  
8 worked on crowd control in stopping this chaotic  
9 event."

10 And then the next paragraph starts with the  
11 next individual that you tackled, which says, "I then  
12 observed a male later ID'd as AP-1 quickly walking  
13 towards Police Victim Kroll." Do you see where it  
14 says that?

15 A Yes.

16 Q So between where Sgt. Kroll was doing his offensive  
17 lineman pass blocking of these people and when you  
18 observed AP-1 -- that's Jackson Mahaffy, right, the  
19 guy you eventually arrested?

20 A Yes.

21 Q So between the incident with tackling the girl and  
22 when you say Jackson Mahaffy came towards Kroll,  
23 there was a pause and additional officers arrived?

24 A Yes.

25 Q And when you say you were doing crowd control, at

1           that point had things settled down as far as the  
2           people coming into close proximity with Sgt. Kroll?

3       A    It was still a volatile situation. At this point it  
4           appeared that more people were arriving also, from  
5           possibly inside the bar were coming out.

6       Q    Okay. At that time when you were doing crowd  
7           control, were you able to get the crowd back towards  
8           the curb in front of Dusty's and the Old Science  
9           Renovation?

10      A    I think we were still working on it at that point  
11           before I arrested Mahaffy.

12      Q    So when you say you were doing crowd control, the  
13           plan there or your intent or what was going on was  
14           that you and other uniformed officers were trying to  
15           move the crowd or keep them on the sidewalk in front  
16           of Dusty's and Old Science, is that fair?

17      A    Yes.

18      Q    And I think, from reviewing the Civilian Review  
19           report, you recognized a couple of the other officers  
20           who were there, but do you remember now who the other  
21           officers were who were doing crowd control work?

22      A    All I remember at this point was Officer Kurth and  
23           his partner Officer Kitzrow.

24      Q    All right. And how close in proximity to you were  
25           Kurth and Kitzrow?

1 A Before the Mahaffy arrest, I don't remember them.  
2 I'm sure they showed up after the Mahaffy arrest as  
3 we were walking back.

4 Q So in your supplemental, after you tackled the girl  
5 you say, "At this point other officers arrived and we  
6 worked on crowd control." Now you're saying that  
7 those other officers weren't, to your recollection  
8 now, Kitzerow and Kurth. Do you recall who those  
9 other officers were?

10 A No.

11 Q Could it have been Kitzerow or Kurth, or is it just  
12 that you don't remember who for sure it was that was  
13 arriving, or do you remember it wasn't Kitzerow and  
14 Kurth at that time?

15 A I don't remember at that point.

16 Q So then you say you observed Jackson Mahaffy quickly  
17 walking towards Sgt. Kroll, and that Kroll was  
18 looking the other way and Mahaffy was quickly walking  
19 towards Kroll as if to assault him.

20 Can you describe that for me and why you  
21 characterize it as appearing to you that Mahaffy was  
22 walking towards him as if to assault him?

23 A I saw Mahaffy walking towards Kroll quickly and he  
24 was making a beeline for Kroll, and that's what I  
25 thought was happening, I thought he was going to

1 assault him.

2 Q Did you observe Mr. Mahaffy doing anything  
3 threatening, or was he yelling or any other physical  
4 indications that he was preparing for an assault?

5 A At that point I don't know. I just remember him  
6 walking quickly, focused on Kroll, and I thought  
7 there was going to be another incident.

8 Q And in your statement today you said that you tackled  
9 him. Is that right?

10 A Yes.

11 Q And in your supplemental report you say, "I grabbed  
12 Mahaffy and brought him down to the ground. Kroll  
13 immediately came over, pointed at AP1," Mahaffy, "and  
14 stated, 'That's the male that damaged the truck and  
15 assaulted me.'" So is that true?

16 A The quotes, I made a mistake in the report by putting  
17 that in quotes. Kroll stated that not in those exact  
18 words.

19 Q What do you remember Kroll saying?

20 A Just that that was the male that hit the vehicle and  
21 that he assaulted him.

22 Q All right. So you're saying you don't know for sure  
23 that those are the exact words that he said that you  
24 put in quotes, but that's what you remember  
25 approximately him saying, that that was the

1 individual who hit the vehicle and that had assaulted  
2 Kroll.

3 A Yes.

4 Q And the next sentence says, "My partner and I quickly  
5 handcuffed AP-1," that's Mahaffy, "and placed him in  
6 the squad car."

7 A Yes.

8 Q Talk me through the process you went through after  
9 you tackled Mahaffy and you and your partner were  
10 handcuffing him and placing him in the squad car.

11 A I tackled him to the ground, I got on top of him, on  
12 top of his back, and at that time Officer Bennett  
13 assisted me in placing him in handcuffs.

14 Q Now, when you're on top of his back, did you pull his  
15 arms around behind his back?

16 A Yes.

17 Q All right. Is there a standard procedure that  
18 officers follow when they're placing someone under  
19 arrest that's laying on the ground?

20 A No. We attempt to do whatever -- we just try to get  
21 their hands around their back and handcuff them as  
22 quickly as possible.

23 Q So you're on top of Jackson Mahaffy's back, so he's  
24 facing the pavement of Marshall Street Northeast,  
25 right?

1 A Yes.

2 Q And you've got his hands up behind his back, right?

3 A Yes.

4 Q And are you holding his wrists together so they get

5 in proximity so you can handcuff him?

6 A Yes.

7 Q And Officer Bennett is there. I think I remember

8 from reading the report that Officer Bennett is

9 leaning over helping you. Is that correct?

10 A Yes.

11 Q And where was Kroll when that was happening?

12 A I believe he was in the area. As we were handcuffing

13 him and getting him up, Kroll came over and stated

14 that Mahaffy was the suspect in the incident.

15 Q I thought that happened before you handcuffed him.

16 At least in your report, in the supplemental, that's

17 the sequence.

18 A I believe it happened all at the same time. It was a

19 very quick handcuffing. He didn't struggle with us,

20 it went pretty smooth. It could take a matter of

21 seconds.

22 Q In your statement to the Civilian Review Board, at

23 that point you say about Mahaffy, "I grabbed him and

24 brought him to the ground. As I was getting him,

25 pulling him away, bringing him to the ground, Kroll

1 pointed to him and said, 'That's the guy. This is  
2 the guy that started this problem. He's the right  
3 guy.'" And then the questioner there says, "So you  
4 had him down on the ground and what happened next?"  
5 And you say, "We placed him in the squad car." So  
6 does that help with you recalling what the sequence  
7 was?

8 A This all happened at the same time. He was quickly  
9 brought down to the ground, and then during the  
10 handcuff process is when Kroll came over.

11 Q Now, who was -- I'm sorry, go ahead.

12 A It could have been right at about the same time as  
13 the handcuffing.

14 Q So right as you're on top of Jackson Mahaffy with him  
15 facedown on the street and you've got his hands back  
16 behind his back, was it you that put the handcuffs on  
17 him?

18 A Yes.

19 Q All right, and you're handcuffing him. Right at that  
20 moment Kroll comes over and says whatever he says,  
21 "That's the guy, you've got the right guy"?

22 MS. FUNDINGSLAND: I'm going to object to  
23 that as a mischaracterization of the deponent's  
24 testimony.

25 Q Right at that time Kroll comes over and says, "That's

the guy. This is the guy that started this problem.  
He's the right guy"?

3 MS. FUNDINGSLAND: Same objection.

4 MR. DELAPLAIN: Are you instructing him  
5 not to answer?

6 MS. FUNDINGSLAND: No, I'm objecting for  
7 the record. Can you answer the question?

11 Q And so at least at that moment you're on top of  
12 Mahaffy and handcuffs are on him, and Kroll is right  
13 there within a foot, is it fair to say, and Officer  
14 Bennett is there within a foot?

15 A Officer Bennett was assisting me, so he was kneeling  
16 very close to me, and Kroll was approaching us.

17 Q Do you remember if Kroll was approaching you -- what  
18 was your orientation when you're on top of Mahaffy?  
19 Were you facing forward towards his head as you were  
20 holding his arms behind his back?

21 A Yes.

22 Q And do you recall which way Kroll was approaching  
23 you?

A Can I mark it on the --

25 MR. DELAPLAIN: Yes. Could he borrow

1                   your red pen there, Lynne?

2                   MS. FUNDINGSLAND:    Sure. You still have  
3                   to point out though, if you would, for the record  
4                   because the copies won't show the colors. What I'm  
5                   saying is that the original deposition will have the  
6                   colored stuff. We'll get a copy. So it would assist  
7                   us in looking at the deposition later if you'll note  
8                   on the map where you're putting this.

9                   THE WITNESS:       Yes. This is Mahaffy  
10                  right here. He was on the ground, I was on top of  
11                  him like this.

12                  Q   And there's a line coming off -- you have two stick  
13                  figures, one stick figure on the ground in front of  
14                  Dusty's Bar there, it looks like, near the center of  
15                  Marshall Street Northeast.

16                  A   Yes.

17                  Q   And there's an M pointed down there. And then  
18                  there's also a Me, showing you, on top of Mahaffy.

19                  A   Yes.

20                  MS. FUNDINGSLAND:    Okay. Thank you.

21                  Q   And then at that time Kroll was still there?

22                  A   Kroll arrived and was probably standing there when he  
23                  instructed us that that was the male.

24                  MS. FUNDINGSLAND:    Where the K is? Or  
25                  where --

1 THE WITNESS: The arrow. K is where I  
2 saw him running backwards.

3 MS. FUNDINGSLAND: Okay.

4 THE WITNESS: This other K is.

5 MS. FUNDINGSLAND: Is what?

6 THE WITNESS: When he came upon us after  
7 we had Mahaffy on the ground.

8 Q So you had Mahaffy on the ground and Kroll comes  
9 forward to you and Mahaffy a little bit to the north,  
10 right?

11 A South.

12 Q Yes, okay, south, but generally towards the front of  
13 you. So you're on top of Mahaffy, you can see Kroll  
14 coming and saying, "That's the guy"?

15 A I heard him.

16 Q Did you see him?

17 A I'm sure I did. I just remember hearing him saying  
18 that.

19 Q Now, one question I think in your supplemental -- or  
20 not in the supplemental but in your statement to the  
21 Civilian Review, and also in your supplemental, you  
22 say Kroll was looking the other way when Mahaffy was  
23 walking towards him. And where you show Kroll is  
24 that he's out in the westbound lane of Marshall, and  
25 I'm assuming Mahaffy was coming from in front of the

1                   Dusty's Bar area. Is that true?

2                   A     Yes.

3                   Q     So what was Kroll looking at?

4                   A     I believe he was looking at a group he was arguing  
5                   with. There was still a group of people that he was  
6                   arguing with in the street.

7                   Q     Now, based on how you described it earlier, with the  
8                   people he was interacting with though, he would have  
9                   been facing towards the Old Science Renovation or  
10                  Dusty's in the direction of approximately northeast  
11                  or east, right?

12                  A     I want to say that he was facing northbound. When I  
13                  observed Mahaffy walking towards Lt. Kroll, I was  
14                  south of them. So I was looking up north, and that's  
15                  when I saw Mahaffy going towards Kroll.

16                  Q     So at that time were you also south of where Kroll  
17                  was standing?

18                  A     Yes.

19                  Q     And you want to say that Kroll was looking north?

20                  A     Yes.

21                  Q     So wouldn't that put Kroll looking right at the  
22                  direction that Mahaffy is coming from?

23                  A     Mahaffy was coming east and west, east to west.  
24                  Mahaffy was walking towards Kroll. Kroll was looking  
25                  north, so he couldn't see him from the side.

1 Q If Kroll was looking directly north, he's looking  
2 over to the parking lot to the left of Dusty's,  
3 right? That street is a little bit off there, it's  
4 not exactly a north/south street, and the cross  
5 street, 13th, isn't exactly an east/west street, it's  
6 a little bit off kilter like a lot of streets in  
7 Minneapolis.

8 But, at least according to the legend on  
9 the bottom of this little map that shows north and  
10 south, if Kroll is looking north from the location  
11 where you place him when you arrived, he would be  
12 looking up towards the parking lot that's to the  
13 north of Dusty's. Is that what you remember?

14 A Now I would have to say northwest. You know, I  
15 consider this straight north. I believe Marshall  
16 Street is north, but looking at this map it shows  
17 Marshall going northwest.

18 Q So you're saying that Sgt. Kroll was looking straight  
19 up Marshall.

20 A Yes.

21 Q And so the individuals who he was interacting with  
22 were further north on Marshall than he was, to the  
23 northwest of him on Marshall?

24 A Yes.

25 Q Are these the same individuals that you described

1           earlier as having been coming at him while he was  
2           backing away from Dusty's Bar backwards into the west  
3           lane of Marshall?

4       A   I don't know.

5       Q   And where were the other officers located that had  
6           arrived?

7       A   I don't know.

8       Q   Prior to you tackling Mahaffy?

9       A   I don't know. I know when they arrived they all  
10          parked behind our squad cars. So the squad cars  
11          actually were lined up going southbound.

12      Q   Were there any squad cars that ended up to the  
13          northwest of Dusty's Bar, that you recall?

14      A   Not one.

15      Q   In your supplemental report you said that, "We  
16          remained on scene for another five to ten minutes,"  
17          and that's after you placed Mahaffy in the squad car,  
18          right?

19      A   Yes.

20      Q   "doing crowd control, as the crowd continued to be  
21          aggressive and attempting to antagonize us." How was  
22          the crowd being aggressive?

23      A   They were getting close to us, yelling at us,  
24          swearing at us. They were very unhappy with us.

25      Q   Were you able to ascertain from their comments what

1           they were unhappy about?

2       A    I think they were upset with the incident.

3       Q    Do you recall them saying what it was about the  
4           incident that they were upset about?

5       A    No.

6       Q    And you say, "They were attempting to antagonize us."  
7           What were they doing to attempt to antagonize you?

8       A    Well, they were getting very close to us. As we  
9           instructed them to stay back, they were, you know,  
10           swearing at us. They were very upset with us.

11      Q    But you don't remember what it was they were saying  
12           about why they were upset?

13      A    No.

14      Q    Do you remember anybody questioning to the effect of  
15           why Kroll and Krueger weren't being detained?

16      A    I don't remember at that point.

17      Q    Do you recall anybody indicating that Kroll and  
18           Krueger had been the aggressors in the original  
19           assault?

20      A    I don't remember exactly what they were saying. They  
21           were just very upset. They got so consumed by their  
22           anger at us, that I think that's all I can remember.

23      Q    But if there's other people who are reporting that  
24           what the crowd is saying is that Kroll and Krueger  
25           had started it, you're not saying that that isn't

1 true, are you?

2 A I don't remember exactly what they were saying.

3 Q So it could have been that?

4 MS. FUNDINGSLAND: It could have been  
5 what? That they said that or that's something else?

6 THE WITNESS: I don't remember them  
7 saying anything like that. I just remember they were  
8 very upset about what happened, that there was an  
9 altercation in the street.

10 Q Did you attempt to talk to any of them to ask a  
11 witness what it is they saw happen?

12 A No, I didn't.

13 Q To your knowledge did Officer Bennett talk to anybody  
14 from the crowd to try to ascertain what happened?

15 A I don't know if he did at that point.

16 Q Okay. To your recollection, did he?

17 A I'm not sure. I can't remember if he did or not.

18 Q So you were there five to ten minutes with Mahaffy in  
19 the car, right?

20 A Yes.

21 Q So for what reason were you keeping Mahaffy in the  
22 car for five to ten minutes?

23 A We were still working on the crowd. We placed him in  
24 there, and we got back out and were continuing to  
25 deal with the unruly crowd.

1 Q Okay. And because Kroll told you that you had gotten  
2 the right guy, I assume that's one reason why you  
3 handcuffed him and put him in the car, right?

4 A Yes.

5 Q So Kroll told you that, but you didn't ask anybody  
6 else at that time what had happened or what they had  
7 observed?

8 A I think we were just so focused on the chaotic  
9 situation, that we were attempting to get that under  
10 control.

11 Q So the answer is that you did not ask anybody else  
12 what they had observed?

13 A No.

14 Q I've got to clarify the answer because I think I  
15 asked the question in a way that your no might be  
16 contradicting it. Are you saying that you did not  
17 ask anybody else on the scene other than Kroll what  
18 it was that had happened, is that true?

19 A Yes.

20 Q And eventually you did transport Mr. Mahaffy down to  
21 booking, right?

22 A Yes.

23 Q And prior to transporting Mahaffy to booking, did you  
24 talk to anybody other than Kroll about what had  
25 happened at the incident?

1 A I do remember talking to the owner of Dusty's Bar and  
2 Grill, and he was more upset about that there was an  
3 incident outside.

4 Q Do you recall anything he said?

5 A No.

6 Q Do you recall whether he was saying that he had  
7 witnessed anything that had any bearing on what you  
8 were doing?

9 A No.

10 Q Eventually Mr. Mahaffy was placed under arrest,  
11 right?

12 A Yes.

13 Q Now, where is the transition point where he's just  
14 being handcuffed and held in the car and when he's  
15 under arrest, in your mind?

16 MS. FUNDINGSLAND: Well, I'm going to  
17 object as far as that calls for a legal conclusion.

18 MR. DELAPLAINE: I think you can answer,  
19 if you know.

20 THE WITNESS: He was placed under arrest  
21 when we handcuffed him.

22 Q And when you had handcuffed him, what were you  
23 placing him under arrest for?

24 A Well, at that point, assault. He had not assaulted  
25 him yet, but I believe that's what was going to

1           happen.

2       Q    So you placed Mahaffy under arrest for assault based  
3           on your observations of Mahaffy walking quickly  
4           towards Kroll?

5       A    Yes.

6       Q    And how did Kroll's identification of Mr. Mahaffy  
7           factor into your arrest of Mr. Mahaffy?

8       A    It confirmed that he was involved with the assault  
9           previous to our arrival.

10      Q    With what assault?

11      A    That he had assaulted Sgt. Kroll.

12      Q    So Sgt. Kroll told you that Mahaffy had assaulted  
13           Kroll?

14      A    Kroll informed me that Mahaffy had assaulted him.

15      Q    And did Kroll describe to you what he said was an  
16           assault by Mahaffy against Kroll?

17      A    No.

18      Q    He just said, "That guy assaulted me"?

19      A    Yes.

20      Q    Now, at the bottom of your report you say, "We then  
21           transported AP-1 to HCJ," which is the Hennepin  
22           County Jail, right?

23      A    Yes.

24      Q    And AP-1 is referring to Mahaffy, "for PC-assault 4,  
25           and PC-inciting a riot, and that means probable

1 cause, is that right, am I reading that right?

2 A Yes.

3 Q Now, what is assault 4?

4 A It is an assault on a law enforcement officer.

5 Q So you transported him because you believed there was  
6 probable cause to charge him with assaulting a police  
7 officer and inciting a riot?

8 A Yes.

9 Q And was that your determination or your call, that  
10 statement of probable cause, to bring him to the  
11 Hennepin County Jail?

12 A We had to contact a supervisor to get that type of  
13 authority to arrest him. Probable cause needs to  
14 have authorization from a supervisor.

15 Q Can you recall what supervisor you contacted?

16 A No.

17 Q Now, as far as assault 4 or inciting a riot, the  
18 probable cause for that would have been based on  
19 statements that Kroll gave you about what happened  
20 prior to you arriving, right?

21 MS. FUNDINGSLAND: I'm going to object as  
22 a mischaracterization of the witness' testimony at  
23 this point.

24 MR. DELAPLAINE: I didn't characterize his  
25 testimony in any way.

1 MS. FUNDINGSLAND: Yes, you did.

2 MR. DELAPLAIN: I think you can answer if  
3 you understand the question.

4 THE WITNESS: Yes.

5 Q Now, in regard to the damage to Sgt. Krueger's  
6 vehicle, did you yourself look or see any damage on  
7 Sgt. Krueger's vehicle?

8 A No.

9 MR. DELAPLAIN: I'm just going to real  
10 quickly for myself take a moment to flip through your  
11 Civilian Review Authority statement and see if I have  
12 any follow-up questions about what you said there.  
13 So if you can bear with me for a moment, I'd  
14 appreciate it.

15 (Hanson Deposition Exhibit 2  
16 marked for identification)

17 Q Officer Hanson, I'm showing you what's been marked as  
18 Deposition Exhibit No. 2. Do you recognize that  
19 document?

20 A Yes, it's a copy of the Civilian Review report.

21 MR. DELAPLAIN: I have a copy for you,  
22 Ms. Fundingsland.

23 MS. FUNDINGSLAND: Thank you.

24 Q I'd ask you to turn to the last page of the 13-page  
25 document. I'd ask you to turn to the last page. Is

1                   that your signature on the bottom line there?

2     A   Yes.

3     Q   All right. And it's dated 11-28-04?

4     A   Yes.

5     Q   And do you recall giving this statement to the  
6                   Civilian Review Authority?

7     A   Yes.

8     Q   And is this one of the documents you had a chance to  
9                   review in preparation for your deposition today?

10    A   Yes.

11    Q   And do you believe that this statement is a true and  
12                   correct transcription of what you said to the  
13                   investigator that day?

14    A   Yes.

15    Q   And that everything contained within the statement is  
16                   true and correct?

17    A   Yes.

18    Q   Now, I want to ask you a couple questions about  
19                   what's said in this statement, just to clarify that  
20                   in comparison to the supplemental and your testimony  
21                   here today.

22                   At the bottom of page two, if I could  
23                   direct your attention to page two, at the very bottom  
24                   you're referring to when you first got out of your  
25                   car, I believe, "And I saw at that point in time

1                   Sgt. Kroll, Bob Kroll, he's one of the Federation  
2                   guys. I've known -- one of the important guys in the  
3                   police department." Do you see where it says that?

4                   A Yes.

5                   Q And then you say, "I saw him immediately under -- he  
6                   had his regular clothes on. I saw that he was  
7                   involved with a fight." So by saying he was involved  
8                   with a fight, are you describing anything different  
9                   than you described here today?

10                  A No.

11                  Q Okay. So what you described here is, "I saw that he  
12                  was involved with a fight." Is it your observation  
13                  of him doing something similar to what an offensive  
14                  lineman would do when they were blocking on a pass  
15                  play, he's just holding people at bay and backing  
16                  away from them?

17                  A It appeared that that was a fight, to me.

18                  Q But at that time, what you observed, you didn't  
19                  observe anybody throwing punches?

20                  A No.

21                  Q Is that an, "I saw nobody throwing punches," is that  
22                  true, is that what you're seeing?

23                  A They were just running at him.

24                  Q And then on the next page in the third question down,  
25                  the investigator asks, "How many people did you see?"

1 and then on the second line you say -- well, what you  
2 say is, "That I don't know. I thought it was  
3 multiple people. It seemed like when we arrived it  
4 was chaos, in my eyes. That it was more than a  
5 one-on-one fight. It was multiple people."

6 So when you say that, are you describing  
7 that there was multiple fights going on like multiple  
8 hot spots going on when you arrived or are you just  
9 saying there was this one hot spot going on between  
10 Kroll and the people who you say were advancing on  
11 him out into the street?

12 A I was so focused on Kroll at that point that -- I do  
13 remember a lot of people being in the area, but I  
14 just remember being focused on Kroll and the people  
15 running after him.

16 Q Now, on page four on the third question up from the  
17 bottom, you say that you observed that there was a  
18 female in the truck. And that's Krueger's truck,  
19 right?

20 A Yes.

21 Q Do you remember the female that was in the truck ever  
22 getting out of the truck?

23 A No.

24 Q On the scene do you recall ever seeing her out of the  
25 truck?

1 A No.

2 Q Then two questions down, starting on the bottom of  
3 page four and continuing onto page five, the  
4 questioner is asking, "Okay. And this group of  
5 people if Sgt. Kroll trying to get his space and  
6 everything, do you think they were in the street or  
7 were they on the sidewalk, do you have a recollection  
8 of that?" and your answer there was, "It ended up  
9 going into the street."

10 So my follow-up question to that is you've  
11 described Sgt. Kroll backing into the westbound lane  
12 of Marshall Street Northeast with these individuals  
13 coming towards him. Where did your observations  
14 start out? Was he actually up on the curb or on the  
15 sidewalk when you arrived and you watched him come  
16 off the sidewalk into the westbound lane of the  
17 street, or was he already out into the street when  
18 you arrived?

19 A He was already out into the street. I think when you  
20 read it it doesn't depict on how I was attempting to  
21 -- I was trying to paint a picture to this Civilian  
22 Review gentleman, and by saying it ended up going  
23 into the street, I was just trying to give him an  
24 idea that the fight was in the street.

25 Q I understand. I just wanted to clarify and pin that

1 down to make sure that that's what you were saying.

2 (Off the record discussion)

3 (Recess)

4 MR. DELAPLAIN: We're back on the record  
5 after a short break, and I'm just going to keep going  
6 through a couple of these points of the statement  
7 that you've given to the Minneapolis Civilian Police  
8 Review Authority.

9 Q Now, on page five, and we were on page five, down in  
10 the next to the last paragraph you're talking about  
11 the first interaction with the woman which you  
12 earlier described as your tackling the woman, and in  
13 your statement to the Civilian Police Review  
14 Authority -- I'll just say Civilian Review from here  
15 on out.

16 MS. FUNDINGSLAND: CRA.

17 MR. DELAPLAIN: CRA. I'll try to  
18 remember that.

19 Q You say, "I observed a female -- Sgt. Kroll was  
20 facing the other way and a female was about to grab  
21 onto him behind and I pushed her out of the way and  
22 she fell to the ground. I felt like she was going to  
23 attack Sgt. Kroll so I pushed her to the ground."

24 Now, when I was asking about that earlier,  
25 I understood you to say it wasn't that he was facing

the other way, but that she was one of the people  
that was going towards him, that he was facing her.

3 A Yes. I got confused with that one. I did tackle her  
4 to the ground, and she was one of the individuals  
5 going after him.

6 Q Okay. So you think what you said today is correct if  
7 it's a little bit different than what was said in the  
8 statement?

9 A Well, when I said on there, "She fell to the ground,"  
10 I felt like she was going to attack so I pushed her  
11 to the ground. What I was meaning is the tackling,  
12 the push to the ground.

13 Q Okay, and I understand that, and actually that's  
14 clarified by the interviewer later in transcript, but  
15 what I'm focusing on is that, "Sgt. Kroll was facing  
16 the other way and a female was about to grab onto him  
17 from behind." So that's what I was asking about,  
18 that statement, because it seems to me like it  
19 contradicts a little bit what you stated earlier that  
20 she was one of the people that was advancing upon  
21 him, so he would have been looking at her.

22 MS. FUNDINGSLAND: Was that a question?

23 THE WITNESS: I'm thinking.

24 MR. DELAPLAIN: I saw that.

25 THE WITNESS: I must have got confused on

1 that one. She was one of the individuals that was  
2 coming towards Sgt. Kroll.

3 Q Okay. So you think he was facing her and she was  
4 coming at him from the front.

5 A I believe that's what was happening.

6 Q Now, one thing that I noticed is that your partner,  
7 Officer Bennett, described in his statement that he  
8 looked back and saw that you had taken two people  
9 down to the ground. Did you review his statement  
10 before your deposition?

11 A Briefly.

12 Q Do you remember him making reference to that?

13 A No.

14 Q And it's a little bit marked up, but it's my copy of  
15 the supplemental of Officer Bennett, and that was  
16 attached to the police report, so I believe that's  
17 something you might have reviewed prior to the  
18 deposition. Did you review the whole police report  
19 prior to the deposition?

20 A I think I ran through it last night.

21 MS. FUNDINGSLAND: Just a second. What  
22 do you mean by the whole police report?

23 MR. DELAPLAIN: I guess I'm referring to  
24 what I got is what I consider the whole police  
25 report. It's titled on the top MPD CAPRS Case Report

1 with Supplements, MP-04-115690, and it's a 16-page  
2 document, although the one I'm referring to is the  
3 Supplemental of Officer Bennett, page 10 of 16, and I  
4 think -- can you hand me Exhibit 1 there real quick?  
5 I think what is Exhibit 1 in this deposition, the  
6 Supplemental Statement of Officer Hanson, is page 9  
7 of 16 of that report.

8 MS. FUNDINGSLAND: So are you asking him  
9 if he reviewed everybody's supplements?

10 MR. DELAPLAIN: I'm asking him if he  
11 reviewed the report, and I think he said he skimmed  
12 through it.

13 THE WITNESS: Not entirely.

14 Q Now, here in Officer Bennett's supplement he says --  
15 well, I'll read this third paragraph: "As I  
16 responded to aid Kroll, I pushed several males away  
17 and told them to get back. We then created some  
18 space in between ourselves and the unruly crowd.  
19 Just then I saw my partner with two people down on  
20 the ground nearby, and then Kroll stated to me,  
21 pointing at AP-1, "That's the guy that assaulted us."

22 And then I see the same thing in his  
23 statement to the Civilian Review Board, he references  
24 that he looks -- I think he looks back and sees that  
25 you've got two guys on the ground. Do you recall

1 recall taking two guys down?

2 MS. FUNDINGSLAND: I'm sorry, does his  
3 supplement say two guys?

4 MR. DELAPLAIN: It says two people down  
5 on the ground nearby.

6 MS. FUNDINGSLAND: Okay.

7 THE WITNESS: Gosh, I really think that  
8 he was referring to the female and then Mahaffy. I  
9 did not at one point have two down at the same time,  
10 no.

11 Q Now here I guess is where I got the two guys. I'll  
12 quickly refer to Bennett's statement to the CRA.  
13 Real quickly I'll reference what he said on page  
14 four. I don't know whether you reviewed these or  
15 not, but here's from the Civilian Review Authority  
16 how he described that was.

17 "My partner ended up having that guy," he's  
18 referring to Mahaffy, "down on the ground behind me."  
19 And then he says, "Actually, he had two guys down on  
20 the ground, and they kind of -- I'm not sure how he  
21 got them down, if they went down or if he put -- I  
22 don't know, I wasn't looking, but he had a couple --  
23 a guy or two on the ground, and then I heard  
24 Sgt. Kroll say, 'That's the guy right there,' that  
25 initially attacked him. And so I quick -- you know,

1 I pushed a couple guys back so I had some space  
2 between me and the crowd. So then I went and  
3 assisted my partner in handcuffing this AP."

4 And I'm just bringing it up to see if you  
5 remember there being a couple of guys that you had  
6 down.

7 A I definitely brought two people down to the ground in  
8 the whole incident, a female who was never named and  
9 Mahaffy.

10 Q But the way you described it earlier, when you  
11 brought down the female, then she went back into the  
12 crowd, I know from your report that's what you say,  
13 and then other officers were arriving and then this  
14 incident happened where you tackled Mahaffy.

15 A Yes.

16 Q And so you don't remember there being another  
17 individual that was involved in your taking down of  
18 Mahaffy?

19 A No.

20 Q And so by Officer Bennett's description, it seems  
21 like he's describing it when you got out of the car  
22 and you went northwest on Marshall Street from your  
23 car towards where Kroll was, that Bennett was in  
24 front and you were kind of behind Bennett. Is that  
25 accurate or do you remember?

1 MS. FUNDINGSLAND: Are you asking him if  
2 it's accurate that Bennett said that or is it  
3 accurate that that's what happened?

4 MR. DELAPLAIN: Accurate that that's what  
5 happened.

6 THE WITNESS: I don't remember who was  
7 first.

8 Q Now, still on page -- I guess I'm on page seven of  
9 your statement to the CRA. In about the middle of  
10 the page you reference that you placed Mahaffy in the  
11 squad car, and then you do crowd control. You don't  
12 say that, but that's that you're describing. And  
13 then you say, "They were very angry at us. The scene  
14 got out of control so we tried to work on keeping  
15 everybody okay. Tried to figure out what happened  
16 here." Now, what did you do to try to figure out  
17 what had happened?

18 A Well, at that point I think when I say what happened  
19 here, I think I was just trying to get an idea, you  
20 know, for my own -- you know, I just wanted to find  
21 out how this incident occurred. It was a chaotic  
22 situation so, you know, we were trying to calm  
23 everyone down so we could have some peace.

24 Q And when you said you were trying to understand how  
25 this situation occurred, and I understand from your

1 testimony earlier that you're saying you didn't talk  
2 to anybody other than Kroll who might have been a  
3 witness to the incident, what were you doing to try  
4 to understand how the situation occurred?

5 A I think I was just trying to get the whole group of  
6 people under control. Like I said, when we showed  
7 up, it was chaotic, it was complete chaos. So our  
8 job at that point was trying to sort out the crowd  
9 and try to get everything under control.

10 Q Now, if you respond to a fight call, if there's a  
11 normal to it, wouldn't it normally be part of your  
12 job to talk to witnesses to determine what had  
13 happened?

14 A Yes. However, the people were so upset and unruly, I  
15 don't think I would have gotten any cooperation from  
16 them.

17 Q So in, let's say, a normal fight call, you would  
18 consider part of your job duty to ask witnesses to  
19 describe what had happened?

20 MS. FUNDINGSLAND: Objection, asked and  
21 answered.

22 MR. DELAPLAIN: You can answer.

23 THE WITNESS: In the perfect situation,  
24 that's what we try to do.

25 Q And you didn't do that in this situation.

1 A It was impossible to do at that time.

2 Q Now, on the next page, on page eight, and I had asked  
3 you about this earlier and I honestly wasn't trying  
4 to trip you up on this, but I kind of remembered this  
5 when I asked you this question earlier. But on page  
6 eight on the third question down or second question,  
7 second full question, the investigator asked you,  
8 "Anyway, were the people accusing Sgt. Kroll and/or  
9 Sgt. Krueger of being in the wrong?" Do you see  
10 where it says that? It's the third answer.

11 MS. FUNDINGSLAND: It starts with, "I've  
12 got."

13 THE WITNESS: Okay, okay.

14 MR. DELAPLAIN: Yes, the second question.  
15 "Anyway, were the people accusing Sgt. Kroll or  
16 Sgt. Krueger of being in the wrong?" the investigator  
17 asked you, and your answer here was, "Yes. Yes. Oh,  
18 definitely. They weren't real happy with how that  
19 started and how it evolved and things like that. We  
20 didn't find out how it -- what happened until we went  
21 to a different location and we gathered up and we  
22 finally heard this is what happened."

23 And I know it's been a long time ago, but  
24 when I was asking you earlier about whether you could  
25 get any indication from the crowd about what they

1                   were unhappy or angry about towards the police, you  
2                   didn't recall. Now, does this refresh your  
3                   recollection at least that the crowd was expressing  
4                   some -- well, accusing Kroll and Krueger of being in  
5                   the wrong?

6                   A I think when I answered that earlier, I don't  
7                   remember specifically what people were saying. I was  
8                   so consumed by them being unhappy, I can't really say  
9                   exactly what anybody was saying.

10                  Q Okay. But beyond remembering the specifics of what  
11                  people's exact statements were here, do you recall  
12                  that the gist of it was that there were members of  
13                  the crowd expressing to you that Kroll and Krueger  
14                  were in the wrong?

15                  A Not specifically, but there were people upset with  
16                  them.

17                  Q So when you answered this question in 2004, and the  
18                  investigator said, "Anyway, were the people accusing  
19                  Sgt. Kroll or Sgt. Krueger of being in the wrong?"  
20                  and you said, "Yes. Yes. Oh, definitely," are you  
21                  saying something different now?

22                  A No, I just was pointing out that -- when I said,  
23                  "Yes. Yes. Oh, definitely," there were people  
24                  upset. It was a very tense situation, and it  
25                  appeared that there was a group that were against or

1                   upset with what had occurred. And I didn't get into  
2                   specifics with them because it was an unmanageable  
3                   group and I didn't interview any of them.

4 Q But at least here, you were aware that the people  
5 were accusing Kroll and Krueger of being in the  
6 wrong, right?

7 A I'm not sure if they were -- like I said, there was a  
8 lot of angry people, and they were angry at them  
9 specifically, but I was not able to get from them  
10 what they were upset about.

11 Q Were you able to get from them that somehow Kroll and  
12 Krueger were in the wrong?

13 A No, not specifically they were in the wrong, but that  
14 they were involved in an incident where there was an  
15 assault, there was some chaos.

16 Q I'm having a hard time in my mind reconciling your  
17 answer here to what you said, "Yes. Yes. Oh,  
18 definitely," in your statement.

19 MS. FUNDINGSLAND: Is that a question?

20 MR. DELAPLAIN: Can you clarify that for  
21 me?

22 MS. FUNDINGSLAND: I think you've got to  
23 be more -- clarify what?

24 MR. DELAPLAIN: The difference between  
25 what he's saying now, which he appears to me to be

1 saying that he is unaware of any reason or that  
2 people were accusing Kroll and Krueger of anything,  
3 and then in his Civilian Review statement when he was  
4 asked that, he says, "Yes. Yes. Oh, definitely."  
5 It seems like now he's saying he didn't know what  
6 they were mad about.

7 MS. FUNDINGSLAND: But you need to ask  
8 him a question that he can answer.

9 MR. DELAPLAINE: Well, I did ask him to --  
10 I said I understand -- I forget which word I used,  
11 but I said it doesn't seem consistent to me, and I  
12 asked him if he can clarify for me why there's a  
13 difference today as compared to what your answer was  
14 to the investigator for this Civilian Review  
15 Authority.

16 MS. FUNDINGSLAND: I think he's tried to  
17 clarify it, and I don't think there is a difference.

18 THE WITNESS: That's what I'm trying to  
19 say, is, yes, I couldn't begin to tell you at that  
20 time what they were upset about. It was just that  
21 they were upset about some actions from Sgt. Kroll  
22 and Krueger.

23 Q So the question of the investigator was, "Anyway,  
24 were the people accusing Sgt. Kroll and Sgt. Krueger  
25 of being in the wrong?" and your answer starts out,

1           "Yes. Yes. Oh, definitely," you're not changing  
2           that, right?

3           MS. FUNDINGSLAND:     Excuse me, but that's  
4           only part of his answer to the --

5           MR. DELAPLAIN:      That is what I said, I  
6           said the answer starts out with, "Yes. Yes --"

7           MS. FUNDINGSLAND:    But I think you need  
8           to put it in context of the entire answer that he  
9           gives at the time.

10          MR. DELAPLAIN:     Okay, let's put it in  
11           context.

12          MS. FUNDINGSLAND:    Let's do that.

13          MR. DELAPLAIN:     What it says after that  
14           is, "They weren't real happy with how that started  
15           and how it evolved and things like that." So explain  
16           to me what it was --

17          MS. FUNDINGSLAND:    But that's not the end  
18           of his answer, counsel.

19          MR. DELAPLAIN:     Okay, let's read the  
20           whole answer. Let's read the whole question.

21          "I've got his statement or somebody got his  
22           statement," and that's referring to the owners of  
23           Dusty's. "Anyway, were the people that were accusing  
24           Sgt. Kroll and/or Sgt. Krueger of being in the  
25           wrong?" And the answer is, "Yes. Yes. Oh,

1 definitely. They weren't real happy with how that  
2 started and how it evolved and things like that. We  
3 didn't find out how it -- what happened until we went  
4 to a different location and we gathered up and we  
5 finally heard this is what happened. 'Cause as far  
6 as we knew, there were cops drinking inside Dusty's  
7 and a fight started. But it was a lot more than  
8 that." Do you see where that's your answer?

9 A I think the way I understood the question was back  
10 then were there people upset with the behavior of  
11 Krueger and Kroll, and they were.

12 Q And how were they indicating that to you? How did  
13 you know they were upset with the behavior of Krueger  
14 and Kroll?

15 A Just by their anger towards us.

16 Q And in your answer, you say as part of your answer,  
17 "They weren't real happy with how that started and  
18 how it evolved and things like that." That answer  
19 suggests to me that you at least had some awareness  
20 of the crowd expressing displeasure at how the whole  
21 thing started and how it evolved, right?

22 A I didn't know exactly what happened, but from what I  
23 had gathered I assumed at that point -- I assumed  
24 that there was some type of altercation, and it  
25 appeared that these were Mahaffy's friends or a group

1                   that he was with.

2       Q   So you didn't undertake any type of inquiry or  
3                   investigation to ask these people why it was they  
4                   were saying Kroll and Krueger were in the wrong?

5       A   I couldn't get that information from them.

6       Q   Did you attempt to get that information from them?

7       A   No, not at that point. They were too upset with us.

8       Q   And you didn't find out -- this is the rest of your  
9                   answer. "We didn't find out how it -- what happened  
10                  until we went to a different location and we gathered  
11                  up and we finally heard this is what happened." Now,  
12                  at that other location all you heard about what  
13                  happened was what Kroll's version of what happened  
14                  was, right?

15      A   Correct.

16      Q   And at that time you didn't even ask Jackson Mahaffy  
17                  what had happened, did you?

18      A   No, but he was very apologetic.

19      Q   When you described Jackson Mahaffy, you described him  
20                  as walking quickly towards Kroll, right?

21      A   Yes.

22      Q   And aggressively.

23      A   Yes.

24      Q   And I know I asked you earlier, but I want to see if  
25                  there's any additional information on what it was,

1 other than walking towards Kroll, that you claim that  
2 Mahaffy was doing that was aggressive.

3 A I just observed him walking very quickly, and he  
4 seemed focused on Kroll.

5 Q But then when you tackled him, and then further in  
6 your car, he was polite and cooperative?

7 A Yes. I assume he knew he made a mistake.

8 Q But you never asked him what his version of what  
9 happened was, right?

10 MS. FUNDINGSLAND: Objection, asked and  
11 answered.

12 Q Now, you said that as far as taking Mr. Mahaffy to  
13 the Hennepin County Jail for the PC Assault 4 and PC  
14 Inciting a Riot, that that would have required some  
15 authorization from a higher-up?

16 A Yes.

17 Q But you don't recall who that was?

18 A No.

19 Q How do you get that authorization, do you just call  
20 it out over the radio and give a description of what  
21 happened or is that done down at Hennepin County?

22 A Over the radio we talk to the supervisor and explain  
23 the situation and get the authority.

24 Q And it's all verbal, or at that time did you have a  
25 computer keyboard that you would type information

1 into for that procedure?

2 A Always verbal.

3 Q And would it have been you that was talking to the  
4 supervisor to get the authorization?

5 A That I don't know.

6 Q Would it have been either you or Officer Bennett?

7 A Yes.

8 Q Now I'll show you the front page of what I described  
9 earlier as the police report, and down in this  
10 paragraph right where it has the complainant's  
11 signature and notary signature stamp, if you'd review  
12 that paragraph.

13 A Okay.

14 Q Although this one isn't signed, would this have been  
15 your language, that paragraph?

16 A Yes.

17 Q All right. And is that paragraph prepared by what  
18 you communicate verbally or was it just something  
19 that was typed out later?

20 A Verbally.

21 Q So in regard to this incident, as I understand it,  
22 after you went over to the Grain Belt parking lot  
23 with Mahaffy and Bennett and Kroll and Krueger, then  
24 you over your police radio communicate with a  
25 supervisor, give them a description what is

1           happening, and then they give you authorization to  
2           take someone into the Hennepin County Jail based on  
3           the description of what you gave.

4       A    Yes.

5       Q    And for this incident, the paragraph that we're  
6           looking at there is the description that you had  
7           given, is that right?

8       A    Yes.

9       Q    That clears up one question. Then at the very bottom  
10           it says, "PC authorized by Sgt. Johnson." So is  
11           Sgt. Johnson the one you would have been  
12           communicating with on the radio that approved the  
13           probable cause?

14      A    Yes.

15      Q    And in the statement that's on this page, in the  
16           description it says, "The victims exited the vehicle  
17           and attempted to apprehend AP-1 for this offense."  
18           Now, in that paragraph, the victims, you're referring  
19           to Kroll and Krueger right?

20      A    Yes.

21                   MS. FUNDINGSLAND: I think, counsel, if  
22                   you're going to read from something, why don't we get  
23                   that marked for the record.

24                   MR. DELAPLAIN: I'll do that. I'm also  
25                   trying to find an extra copy or two here.

(Hanson Deposition Exhibit 3  
marked for identification)

Q So showing you what's been marked as Exhibit No. 3, Officer Hanson, is this the document that we were just referring to that contains the paragraph at the bottom that is a recitation of the statement you had given to the supervising officer in regard to?

Mr. Mahaffy?

A Yes.

Q And maybe two-thirds of the way down in the description of the event, it says, "Victims exited the vehicle and attempted to apprehend AP-1 for this offense." And by that you're referring to Kroll and Krueger, correct?

A Yes.

Q And AP-1 is Mahaffy, right?

A Yes.

Q So then you say, "AP-1 then began to assault Victims 1 and 2 and called over a group of onlookers to participate in this assault."

A Yes.

Q And then it says, "When officers arrived, AP-1 was pointed out and apprehended," right?

A Yes.

Q And is the source for your statement here solely the

1 information that was given to you by Sgt. Kroll?

2 A Yes.

3 Q Now, that entire evening did you see anyone punch  
4 either Sgt. Kroll or Sgt. Krueger?

5 A No.

6 Q Did you see anybody otherwise physically strike  
7 Sgt. Kroll or Sgt. Krueger?

8 A No.

9 Q Did you see anybody kick Sgt. Kroll or Sgt. Krueger?

10 A No.

11 Q And did you see Sgt. Kroll make physical contact with  
12 anybody?

13 A No.

14 Q Did you see Sgt. Krueger make physical contact with  
15 anybody?

16 A No.

17 MR. DELAPLAIN: I don't have any further  
18 questions.

19 MS. FUNDINGSLAND: We'll read and sign.

20 MR. DELAPLAIN: Wait, before we go, I do  
21 want to mark -- I'd also like the court reporter to  
22 mark the diagram of the area as Exhibit 4.

23 (Hanson Deposition Exhibit 4  
24 marked for identification)

25 (The matter was adjourned at 12:00 Noon on September 22, 2009)

1 SIGNATURE OF WITNESS:

2 BE IT KNOWN THAT I, the undersigned deponent,  
3 have read the within transcript of my deposition testimony  
and believe the same to be true and correct, except as  
follows:

5 Aaron C. Hanson  
6 Mahaffy, et al vs. Kroll, et al

Dated \_\_\_\_\_

7 Page: Line: Correction and Reason Therefor:  
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25 Please return to: Ask, Trondson & Smith Court Reporters  
701 Fourth Avenue South - Suite 500  
Minneapolis, Minnesota 55415

1 STATE OF MINNESOTA )  
2 ) ss:  
3 COUNTY OF HENNEPIN )

4 BE IT KNOWN THAT I, Linda J. Trondson, the  
5 undersigned, a duly commissioned and qualified Notary  
6 Public within and for the County and State aforesaid, do  
7 hereby certify that before the giving of his/her  
8 deposition, the said witness was by me first duly sworn  
9 upon his/her oath to depose the whole truth and nothing  
10 but the truth; that the foregoing is a true and correct  
11 transcription of the stenotype notes taken by me at said  
12 deposition; that I am not an employee, attorney, or  
13 relative of any of the parties to the cause; that I am not  
14 an employee, attorney or relative of any counsel to the  
15 cause; that I have no interest whatever in the result of  
16 the action nor am I financially interested in the action;  
17 that I do not have a contract with any of the parties,  
18 counsel for any of the parties or any person with an  
19 interest in the action that affects or has a substantial  
tendency to affect my impartiality.

20 WITNESS MY HAND AND SEAL this 25th day  
21 of September, 2009.

22 \_\_\_\_\_  
23 Linda J. Trondson  
24 Notary Public,  
Hennepin County, Minnesota  
My commission expires January 31, 2010  
25